

REMARKS

1. Defective Declaration

The Examiner has found the Declaration of record in the application to be defective in that it lacks signature of inventor Khalid Al-Bahily. To overcome this rejection, Applicants are filing herewith a new Declaration which has been executed by each of the inventors.

2. Rejection of Claims under 35 U.S.C. § 112.

The Examiner has rejected Claims 1, 4, 5, 7, 8, 10, 11, 14-19 and 21-26 under U.S.C. §112, second paragraph. Responsive to these rejections, Applicants have amended each of the claims as proposed by the Examiner with the exception of Claim 1. As proposed by the Examiner with respect to claim 1, line 2, Applicants have inserted the clause “each of” in the position proposed by the Examiner, however in the interest of clarity, the claim has been amended to recite that the catalyst must include each of the compounds i, ii, iii. It is believed that this approach more effectively resolves any ambiguity in the original claim.

With regard to the Examiner’s observation that n cannot equal 0 in line 7, Applicants note that claim 1 requires that n be greater than 0.

With regard to the Examiner’s observation with respect to claim 24, Applicants have corrected the typographical error in the claim, so that it now requires the presence of two aluminum atoms.

3. Rejection of Claims under 35 U.S.C. §103(a)

With regard to the Examiner’s rejection of all pending claims under 35 U.S.C. §103(a), over Shipley in view of Mink and Hamed, Applicants respectfully traverse this rejection.

Preliminarily, Applicants point out that catalyst compositions are notoriously unpredictable, and that those skilled in the art cannot assume that teachings regarding the activity

of various catalyst components in **different catalyst systems** are interchangeable. Thus, when Shipley omits a metallocene and an organic support from his catalyst, it is not fair to assume that one can cure these deficiencies to find the presently claimed catalyst, by incorporating the metallocene catalyst component from Mink (which teaches the use of a metallocene and a Ziegler-Natta catalyst component on an inorganic support) and the polymeric organic support of Hamed (which use a second different catalyst system). To combine these references as the Examiner has done, some suggestion that the combination will work must be found within the references. Accordingly, since none of the cited references suggest the combination made by the Examiner, and the combination made by the Examiner ignores significant differences between the catalyst systems being combined, Applicants submit that the rejection of the pending claims under § 103 is improper and should be withdrawn.

In view of the foregoing, Applicants believe that claims 1, 4, 5, 7, 8, 10, 11, 14-19 and 21-26 are now in condition for allowance.

4. Request for Rejoinder of Process Claims

Process claims 27, 28 and 30 were withdrawn pursuant to a restriction requirement. The standard for rejoinder of non-elected process claims after the allowance of product claims is set forth in MPEP § 821.04. This section provides that where an applicant presents both product and “process of using the product” claims in an application and elects claims directed to the product in response to a restriction requirement, if the product claim are found to be allowable, the process claims which depended from allowed process claims will be rejoined. Since withdrawn claims 27, 28 and 30 depend from claim 1, these process claims should be rejoined upon the allowance of claim 1.

No additional fees are believed due herewith. If any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0540.

Conclusion

In view of the foregoing, withdrawal of all rejections and the allowance of the pending claims is respectfully requested. Further, rejoinder of non-elected process claims 27, 28 and 30 is also requested.

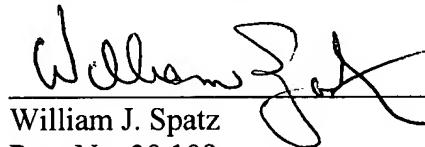
If the Examiner believes that there are any further issues which present an impediment to allowance, it is respectfully requested that the undersigned be contacted to conduct a telephone interview.

If additional fees are due, the Commissioner is authorized to charge the same to Deposit Account No. 50-0540.

Respectfully submitted,

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